

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JOHN MCGRAW)	
)	
Plaintiff,)	C.A. No 06-243 JJF
)	
v.)	
)	
XEROX CORPORATION,)	
)	
Defendant.)	

SCHEDULING ORDER

The parties having satisfied their obligations under Fed. R. Civ. P. 26(f),

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties will exchange by **June 1, 2006**, the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2.
2. **Joinder of other Parties.** All motions to join other parties shall be filed on or before **July 28, 2006**.
3. **Settlement Conference.** Pursuant to 28 U.S.C. § 636, this matter is referred to Magistrate Judge Thyng for the purposes of exploring the possibility of a settlement. If the parties agree that they would benefit from a settlement conference, the parties shall contact Magistrate Judge Thyng to schedule a settlement conference so as to be completed no later than the Pretrial Conference or a date ordered by the Court.
4. **Discovery.**
 - (a) Exchange first set of interrogatories, identification of all fact witnesses and first request for document production by **June 30, 2006**.
 - (b) Maximum of **20** interrogatories by each party to any other party.
 - (c) Maximum of **20** requests for admission by each party to any other party.

(d) Maximum of **8** depositions by plaintiff and **8** by defendant. Depositions shall not commence until the discovery required by Paragraph 4 (a) and (b) are completed.

(e) Reports from retained experts required by Fed. R. Civ. P. 26(a)(2) are due from the plaintiff by **August 16, 2006**; from the defendant by **September 15, 2006**.

(f) Any party desiring to depose an expert witness shall notice and complete said deposition no later than thirty (30) days from receipt of said expert's report, unless otherwise agreed in writing by the parties.

(g) All discovery will be completed by **October 16, 2006**, unless otherwise agreed to by counsel.

5. Discovery Disputes.

(a) A party seeking discovery which the opposing party refuses to provide shall file a motion (no brief) pursuant to Rule 37 of the Federal Rules of Civil Procedure and Local Rule 37.1. Said motion shall not exceed a total of four (4) pages. An Answer to the Rule 37 motion, not to exceed four (4) pages, shall be filed within five (5) days of service of the motion. No reply is permitted.

(b) All parties shall set forth in a plain and concise manner the issue(s) in dispute, the party's position on the issue(s), and the reasons for the party's position.

(c) Upon receipt of the Answer, the movant shall notify Chambers by e-mail at jjf_civil@ded.uscourts.gov that the parties have completed briefing.

(d) Upon receipt of movant's e-mail, the Court will determine whether a conference is necessary and advise the parties accordingly.

(e) There is no limit on the number of Rule 37 motions a party may file, unless otherwise ordered by the Court.

6. **Amendment of Pleadings.** All motions to amend the pleadings shall be filed on or before **July 28, 2006**.

7. **Case Dispositive Motions.** Any case dispositive motions, pursuant to the Federal Rules of Civil Procedure, shall be served and filed with an opening brief on or before **November 16, 2006**. Briefing shall be pursuant to D. Del. LR 7.1.2. No case dispositive motion may be filed more than ten (10) days from the above date without leave of the Court.

8. **Applications by Motion.**

(a) Any applications to the Court shall be by written motion filed with the Clerk of the Court in compliance with the Federal Rules of Civil Procedure and the Local Rules of Civil Practice for the United States District Court for the District of Delaware (Amended Effective January 1, 1995). Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1. Parties may file stipulated and unopposed Orders with the Clerk of the Court for the Court's review and signing. The Court will not consider applications and requests submitted by letter or in a form other than a motion.

(b) No facsimile transmissions will be accepted.

(c) No telephone calls shall be made to Chambers.

(d) Any party with a true emergency matter requiring the assistance of the Court shall e-mail Chambers at: jjf_civil@ded.uscourts.gov. The e-mail shall provide a short statement describing the emergency.

9. **Pretrial Conference and Trial.** The Court will schedule a Pretrial Conference and Trial after reviewing the parties' proposed scheduling order.

The Court will determine whether the trial date should be scheduled when the Scheduling Order is entered or at the Pretrial Conference. If scheduling of the trial date is deferred until the Pretrial Conference, the parties and counsel shall anticipate and prepare for a trial to be held within sixty (60) to ninety (90) of the Pretrial Conference.

DATE

UNITED STATES DISTRICT JUDGE



Attorneys at Law

The Corporate Plaza
800 Delaware Avenue, 7th Floor
P.O. Box 410
Wilmington, Delaware 19899
(Courier 19801)
Phone (302) 652-8400
Fax (302) 652-8405
www.skfdelaware.com

Craig B. Smith
Robert J. Katzenstein
David A. Jenkins
Laurence V. Cronin
Michele C. Gott
Kathleen M. Miller
Roger D. Anderson
Joelle E. Polesky
Robert K. Beste
Etta R. Wolfe

May 11, 2006

VIA E-FILING

The Honorable Joseph J. Farnan, Jr.
U.S. District Court for the District of Delaware
844 N. King Street
Wilmington, DE 19801

Re: ***McGraw v. Xerox***
C.A. 06-243 JJF

Dear Judge Farnan:

We represent the plaintiff in the above referenced matter. Enclosed is a proposed scheduling order that has been agreed to by the parties. If Your Honor has any questions, counsel are available at the convenience of the Court.

Respectfully,

Laurence V. Cronin (ID No. 2385)

LVC/vkm

Enclosure

cc: Clerk of Court (via e-filing with enclosure)
Andrew D. Cordo, Esquire (via e-filing with enclosure)
Robert R. Niccolini, Esquire (via facsimile with enclosure)